IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23064 of 2008
SHANKAR SAHANI
Versus
THE STATE OF BIHAR
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3 25.09.2008 Heard learned counsel for the petitioner and the State.

The FIR was lodged on 14.10.2007 under Sections 498A, 302 and 201/34 of the Indian Penal Code against the petitioner and six named as well as 15-20 unknown. The informant Ram Prit Sahani, the brother of the deceased Sita Devi alleged that the deceased was married to petitioner's son Rudal Sahani more than seven years ago.

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Further allegation was that about one and half months ago, due to domestic quarrels the petitioner, who is father-in-law of the deceased, had abused her and Rudal Sahani, the husband of the deceased had beaten her with fist and slap and due to that he (informant) had brought the deceased to her Maikey.

Further allegation was that after 15 days Rudal Sahani, the husband came and took the deceased with him to her Sasural. The informant further alleged that his Sala Prabhu Sahani informed him that her (deceased) husband

Rudal Sahani, father-in-law (petitioner) had beaten her, as a result of which she died and that her dead body was being cremated. Learning this the informant went to deceased's Sasural village and he saw that the petitioner and other villagers were burning the dead body and that they did not stop despite his protest.

Learned counsel for the petitioner submits that the petitioner is the father-in-law and he is in custody since 15.02.2008. It is also submitted that the main allegation of beating and assault is on the husband. The only allegation against this petitioner is that he simply abused the deceased. It is also submitted that the informant and the family members of deceased's Maikey have simply raised suspicion that the petitioner and other accused killed the deceased, but there is no eye witness in this case. Learned counsel also says that any co-villager of deceased's Sasural also does not come to say about the commission of the offence at the hands of the petitioner. At the end the learned counsel for the petitioner refers to Annexure-2 and submits that a compromise petition duly signed with the LTI of the informant was filed before the learned SDJM, Sakrahana at

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Motihari and the informant stated in that compromise petition that he had lodged the FIR on some information and instruction of the villagers without knowing the truth.

Mr. N.K. Prasad, learned APP appearing on behalf of the State stated that there was a suspicion about the petitioner, but there was no eye witness is available.

Considering the facts and circumstances of the case, the petitioner, Shankar Sahani is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 110 of 2007.

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Kundan **(C. M. Prasad, J.)**